

**MINUTES OF THE COMMITTEE
ON
TORT REFORM**

Tuesday, March 28, 2006

9:30 a.m.

Room 519, House Office Building

The House Standing Committee on Tort Reform was called to order by the Chair, Representative Elsenheimer.

Members present: Representatives Elsenheimer, Kahn, Gaffney, Adamini, Bieda.

Members absent/excused: Representatives Huizenga, Hune, McConico.

Chairman Elsenheimer introduced former Lieutenant Governor Dick Posthumus.

Mr. Posthumus, serving in the State Senate from 1982 to 1998 and as Lieutenant Governor from 1998 to 2002, was deeply involved in the various tort reform legislation adopted in the mid 1980's and 1990's. Mr. Posthumus also served on a special committee created by the Senate in the mid 80's to look at specific aspects of the tort issue.

Lieutenant Governor Posthumus spoke to the committee to give an historical background on what changes were made to tort law and why those changes were made. Abuses that led to higher taxes and medical expenses and availability of certain types of healthcare were cited as reasons for changes that resulted in the Tort Reform Act of 1986. Frivolous lawsuits, jammed court dockets, and sky-rocketing insurance premiums were reasons given for additional changes in tort law that occurred in 1995. Changes included revisions to the burden of proof; limitations on suits against drug manufacturers; expert witness requirements; reduction in the defendant's liability by the percentage of the plaintiff's fault; and requirements that blame be shared by each person at fault for an injury.

Mr. Posthumus explained how tort reform impacts the state's economy and specifically a business's ability to compete in a national and international market place.

Mr. Posthumus concluded by encouraging the committee to not reverse changes made to tort law and specifically medical malpractice and FDA defense. He indicated that tort reform needs to be built on in order to give job providers in all industries the tools to compete.

Mr. Posthumus answered questions from committee members.

Representative Gaffney moved to excuse the absence of Representatives Huizenga, Hune and McConico. Representative Kahn supported the motion. There being no objection, the motion prevailed by unanimous consent.

There being no further business before the committee, the Chair adjourned the meeting at 10:30 a.m.

Representative Kevin Elsenheimer, Chair _____
Doug Simon, Committee Clerk
House Tort Reform Committee, (517) 373-0015